

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**BUTTE DIVISION**

PHYLLIS SAXON, SANDRA  
IVERSON, and OLD WEST  
SALOON, LLC,

Plaintiffs,  
vs.

CITY OF DILLON, MONTANA, a  
body politic, DILLON POLICE  
CHIEF PAUL CRAFT, in his  
individual and official capacity,  
DILLON POLICE CHIEF DONALD  
GUIBERSON, in his individual and  
official capacity, and OFFICER  
JOSEPH HORROCKS, in his  
individual and official capacity and  
JOHN DOES 1-X,

Defendants.

No. CV 19-16-BU-SEH

**ORDER**

Pending before the Court is Plaintiffs' Motion for Stay Pending Appeal.<sup>1</sup>

Defendants oppose.<sup>2</sup>

On January 6, 2021, Defendant Horrocks filed a Bill of Costs.<sup>3</sup>

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<sup>1</sup> Doc. 197.

<sup>2</sup> Doc. 204.

<sup>3</sup> Doc. 188.

On January 11, 2021, the Court ordered “the Clerk . . . to enter an amended final judgment confirming dismissal of all claims against all Defendants and to close the case.”<sup>4</sup> An Amended Judgment was filed on January 11, 2021.<sup>5</sup>

On January 13, 2021, Defendants City of Dillon, Craft, and Guiberson filed a Bill of Costs.<sup>6</sup> On January 14, 2021, Plaintiffs filed a Notice of Appeal.<sup>7</sup>

On January 25, 2021, Plaintiffs filed a Motion for Stay Pending Appeal<sup>8</sup> asserting as grounds “Rule 39(d)(3), Fed. R. App. P., and Local Rule 54.1(a)(3),(4); and payment of those costs, pending outcome of appeal.”<sup>9</sup>

Defendants timely filed appropriate bills of costs.<sup>10</sup> Plaintiffs did not object. The time for objection has expired.

**ORDERED:**

1. Plaintiffs’ Motion for Stay Pending Appeal<sup>11</sup> is DENIED.

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<sup>4</sup> Doc. 190 at 2.

<sup>5</sup> See Doc. 191 at 1 .

<sup>6</sup> Doc. 193.

<sup>7</sup> Doc. 194.

<sup>8</sup> Doc. 197.

<sup>9</sup> Doc. 198 at 2.

<sup>10</sup> Docs. 188 and 193.

<sup>11</sup> Doc. 197.

2. The Clerk of Court may tax costs in accordance with L.R. 54.1.

DATED this 11<sup>th</sup> day of February, 2021.



SAM E. HADDON

United States District Judge